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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,371	04/30/2002	Gilles Kremer	PCTFR01205	1647

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,371

Applicant(s)

KREMER, GILLES

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Status of Claims

1. Claims 1-8 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "each address is attributed" in lines 14 and 15, "the communication network" in lines 20-21. Claim 7 recites "the confidential information acquired by the user". There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites "an operation of transmission by the first terminal of said confidential information". However, it is not clear to one of ordinary skill how this step is performed when according to the claim, the first terminal never has possession of said information. Similarly, the first user terminal doesn't transmit the confidential information to the payment server (claim 1, lines 18-20). For

purposes of examination the Examiner is interpreting the fifth limitation as transmitting by the first user terminal confidential information.

Claim 1 also recites a payment server verifying correspondence between confidential information received from the first terminal and confidential information transmitted to the a second terminal. To one of ordinary skill, it is not clear how this step is performed as the verification is conducted using data already transmitted to a second user terminal.

Claims 2-8 are also rejected as each depends from claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 6-8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Franklin et al., U.S. Patent No. 6,000,832.

As per claims 1 and 6-8, Franklin et al. teach a method and system for conducting a payment operation between a user terminal and a site terminal comprising:

- transmitting information identifying a user and transmitting said information to a payment server (abstract; figures 5 and 6; column/line 5/40-6/13)
- constituting single-use payment certificate (column 5, lines 50-58)
- transmitting by the payment server of confidential information to a second user terminal (column 6, lines 12-22)
- transmission by the user terminal of confidential information (figures 5 and 6; column 5, lines 11-58)
- verifying confidential information sent by the first user terminal with the confidential information transmitted to the second user terminal (column/line 5/58-6/18) and in case of correspondence engaging in an operation of validation of payment (column 6, lines 3-10)
- transmitting by a merchant site a demand for payment to a third party site (column/line 5/40-6/13)
- allocating a certificate of integrity to the payment certificate and to the confidential information acquired by the user (figures 5 and 6)
- transmitting an amount available in the user's account (column 5, lines 23-42; column 11, lines 24-38)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al., U.S. Patent No. 6,000,832 in view of Robinson et al., U.S. Patent No. 5,915,022.

As per claims 2-5, Franklin et al. teach method and system for conducting a payment operation between a user terminal and a site terminal that comprises receiving the name of the merchant, amount of payment, the name of the user, account number, and name of the payer entity (column 5, lines 27-33 and 58-65; column 11, lines 24-38). However, Franklin et al. do not specifically recite displaying said data. Robinson et al. teach a method for purchasing goods and services online comprising displaying transaction data, such as name of the merchant, user, payer, etc., on a user's terminal (figures 6a-c; column 5, lines 51-64; column 6, lines 34-47; column/line 7/57-8/5). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Franklin et al. and Robinson et al. in order to provide user's with a proof-of-purchase (column 8, lines 28-57).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Walker et al. teach single-use credit cards
- Maher teaches payment certificates
- "Validation Algorithms", BrainJar.com

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

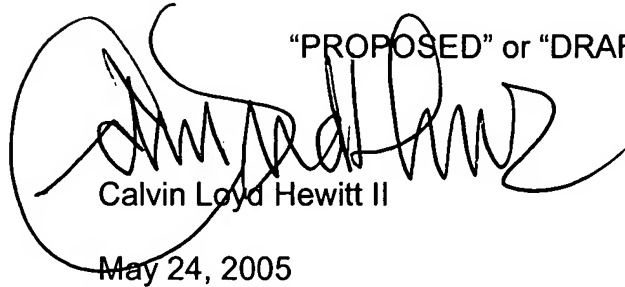
(703) 305-7687 (for formal communications intended for entry and after-final communications),

• Art Unit: 3621

or:

(571) 273-6709 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

A handwritten signature in black ink, appearing to read "Calvin Hewitt II", is written over the printed name. The signature is stylized with a large initial "C" and a long horizontal stroke.

Calvin Loyd Hewitt II

May 24, 2005